

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>R. ALEXANDER ACOSTA</b> , <sup>1</sup> Secretary	)	
of Labor, United States Department of Labor,	)	
	)	
Plaintiff,	)	CIVIL ACTION
v.	)	
	)	Case No. 16-cv-03878
<b>MICHAEL A. LEWIS, MONICA FOX,</b>	)	
and the <b>ACME ORTHOTICS AND</b>	)	Hon. John Z. Lee
<b>PROSTHETIC LABORATORIES INC.</b>	)	
<b>PROFIT SHARING 401(K) PLAN AND TRUST)</b>	)	
	)	
Defendants.	)	

**SECRETARY’S UNOPPOSED MOTION  
TO ENTER THE PROPOSED CONSENT ORDER AND JUDGMENT**

Plaintiff R. Alexander Acosta, Secretary of Labor, U.S. Department of Labor (“Secretary”), pursuant to Federal Rule of Civil Procedure 7(b)(1) and through his undersigned attorney, requests that the Court enter the proposed Consent Order and Judgment executed by all the parties and attached hereto as Exhibit A. In support of this Motion, the Secretary states that Defendants Michael Lewis and Monica Fox consent to the entry of the proposed Consent Order and Judgment. The Secretary received a copy of the Consent Order and Judgment signed by Mr. Lewis on behalf of himself and the Acme Orthotics and Prosthetic Laboratories Inc. 401(k) Plan and Trust<sup>2</sup> on January 1, 2018, and received a copy of the Consent Order and Judgment signed by Ms. Fox on January 3, 2018. Contemporaneously with this Motion, the undersigned

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<sup>1</sup> This action was commenced in the name of Thomas E. Perez, Secretary of the U.S. Department of Labor. Mr. Perez is now the former Secretary of Labor, and R. Alexander Acosta is now the Secretary. Therefore, Mr. Acosta is being automatically substituted for Mr. Perez as the Plaintiff pursuant to FED. R. CIV. P. 25(d), and the caption of this action is amended accordingly.

<sup>2</sup> The Acme Orthotics and Prosthetic Laboratories Inc. 401(k) Plan and Trust to Rule 19(a)(1)(A) of the Federal Rules of Civil Procedure solely to assure that complete relief can be granted.

submitted a Word version<sup>3</sup> of the proposed Consent Order and Judgment to the Court at [Proposed\\_Order\\_Lee@ilnd.uscourts.gov](mailto:Proposed_Order_Lee@ilnd.uscourts.gov).

WHEREFORE, for the foregoing reasons, Defendants Michael Lewis and Monica Fox having consented to the entry of the Consent Order and Judgment, the Secretary respectfully requests that this Court enter the proposed Consent Order and Judgment.

Date: January 3, 2018

Respectfully submitted,

**NICHOLAS C. GEALE**  
Acting Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor

s/Kevin M. Wilemon  
**KEVIN M. WILEMON**  
Trial Attorney

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Attorneys for R. Alexander Acosta  
Secretary of Labor,  
United States Department of Labor

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<sup>3</sup> The Secretary notes the Word version submitted to the Court corrects the date on which the U.S. Bankruptcy Court for the Northern District of Illinois, Eastern Division, entered an *Amended Stipulated Judgment Determining Nondischargeability of Michael A. Lewis's Debt Owed to the Acme Orthotics and Prosthetic Laboratories Inc. Profit Sharing 401(k) Plan and Trust in Secretary of Labor v. Michael A. Lewis* (Adv. Case. No. 16-00225) and corrects the corresponding document number. The discrepancy is caused by the fact that the Secretary sent the proposed Consent Order and Judgment to the Defendants on September 8, 2017, before the Bankruptcy Court entered the *Amended Stipulated Judgment*.

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **Secretary's Unopposed Motion to Enter the Proposed Consent Order and Judgment** was electronically filed on January 3, 2018, with the Clerk of the Court using the CM/ECF system and sent via First-Class Mail and email to:

Michael A. Lewis  
20840 Corinth Road  
Olympia Fields, IL 60461  
[michal12@aol.com](mailto:michal12@aol.com)

Monica Fox  
1222 Western Avenue  
Flossmoor, IL 60422-1636  
[monicafox99@hotmail.com](mailto:monicafox99@hotmail.com)

Acme Orthotics and Prosthetics Laboratories Inc. Profit Sharing 401(k)  
Plan and Trust  
c/o Mr. Michael A. Lewis  
20840 Corinth Road  
Olympia Fields, IL 60461  
[michal12@aol.com](mailto:michal12@aol.com)

s/Kevin M. Wilemon

**KEVIN M. WILEMON**

Attorney